

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RODNEY CLARK, *et al.*,

Plaintiffs,

v.

SANDRA CARTER, *et al.*,

Defendants.

Case No. C05-5613FDB

ORDER DENYING PLAINTIFF'S
MOTION FOR SANCTIONS AND
DENYING DEFENDANT'S MOTION
TO STRIKE INFORMATION OF
SETTLEMENT OFFERS

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's "supplemental" reply to defendants motion for summary judgment. (Dkt. # 28). The reply also contains a motion for sanctions because defendants did not conduct discovery after asking for an extension of time on a pending motion for summary judgment so discovery could be conducted. (Dkt. # 28).

Defendants have responded, indicate discovery was not conducted because of a calendaring error and counsel apologizes to the court and plaintiffs. Counsel indicates information was obtained from the agency and defendants will be able to reply to pending motions. (Dkt. # 29). In the

1 defendant's response counsel asks that portions of plaintiff's motion which mention settlement offers
2 be struck from the record. (Dkt. # 29).

3 Both motions are **DENIED**. Defendants have explained the failure to conduct discovery
4 after they asked for an extension of time. (Dkt. # 29).

5 While reference to settlement offers and settlement discussions is not admissible, the
6 information was not being submitted to show an admission of guilt. Instead the offers were
7 submitted to show the defendants were not responding to plaintiff's offers. The information will
8 remain in the file but may not be cited by either party.

9 The parties are cautioned that the court fully intends to consider the pending motions for
10 summary judgment on the August noting date and they should concentrate their efforts on filing
11 timely responses and replies.

12 The clerk is directed to send a copy of this order to plaintiffs and counsel for defendants and
13 to remove Dkt # 28 and 29 from the court's calendar.

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15 DATED this 31st, day of July, 2006.

16 /s/ J. Kelley Arnold
17 J. Kelley Arnold
18 United States Magistrate Judge
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